

REMARKS

Claims 16-29 and 31-32 are pending. Claims 16-29 and 31-32 are rejected under 35 U.S.C. §102(b) as being anticipated by US patent No. 4,853,634 (hereinafter Tornblom). Reconsideration of the rejection and allowance of all the claims in view of the following remarks is respectfully requested.

MPEP §2131 provides that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. The identical invention must be shown in as complete detail as contained in the claim. The elements must be arranged as required by the claim.

Claim 16 is directed to a method for non-destructive testing of a component including a base body made up of a base material. The method is used for determining a degraded region of the base material. A property of the base material is determined in response to a first signal having a depth of penetration that includes the base material. A property of the degraded region is determined in response to a second signal having a depth of penetration including the degraded region. The frequency of the first signal is lower than the frequency of the second signal. The base body and the degraded region do not contain ferromagnetic material.

Tornblom is directed to a device for crack detection in a non-magnetic test-object that suppresses the effects of magnetic regions. See title and abstract of Tornblom. Accordingly, Tornblom states that “the basic idea behind the invention is to first detect the presence of magnetic material . . . to ensure that the magnetic disturbances are not confused with harmful faults (e.g., actual cracks).” See Tornblom col. 1, lines 32-33 and lines 47-49. It will be appreciated by one skilled in the art that the disclosure of Tornblom for detecting the presence of magnetic material and then blocking the influence of disturbances due to such magnetic material is wholly inapplicable to the claimed invention that recites that the base body and the degraded region do not contain ferromagnetic material.

Tornblom may employ a suitable frequency for detection of a so-called μ Vector (μV) but Tornblom expressly defines that this refers to a vector caused by a magnetic region and this vector is used to block detection of non-existent cracks in the test object. See Tornblom at col. 3, lines 44-45. That is, Tornblom expressly teaches away from determining respective properties of

the base body and of the degraded region where both the base body the degraded region do not contain ferromagnetic material.

Anticipation under 35 U.S.C. §102 requires that "The identical invention must be shown in as complete detail as contained in the ...claim." (Citations omitted). In view of the foregoing considerations, Tornblom fails as an anticipatory reference since Tornblom fails to describe each and every element and/or operational relationship as set forth in the claimed invention. Thus, anticipation under 35 U.S.C. §102 is not supported by the applied reference and the rejection of claim 16 should be withdrawn.

Since dependent claims 17-29 and 31-32 include the structural and/or operational relationships respectively recited in claim 16, it is also respectfully submitted that Tornblom also fails to anticipate such dependent claims.

Conclusion

It is respectfully submitted that each of the claims pending in this application recites patentable subject matter and it is further submitted that such claims comply with all statutory requirements and thus each of such claims should be allowed.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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